

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GEORGE BOURNAZIAN, Derivatively
and on Behalf of CEMPRA, INC.,

Plaintiff,

v.

PRABHAVATHI FERNANDES, MARK
HAHN, DAVID W. OLDACH, P.
SHERRILL NEFF, RICHARD KENT,
DOV GOLDSTEIN, GARHENG KONG,
JOHN H. JOHNSON, DAVID GILL,
MICHAEL R. DOUGHERTY, AND
DAVID ZACCARDELLI,

Defendants,

and

CEMPRA, INC.,

Nominal Defendant.

Case No. 1:17-cv-00828

**SUGGESTION OF BANKRUPTCY
FOR NOMINAL DEFENDANT
CEMPRA, INC.**

PLEASE TAKE NOTICE that on December 27, 2019 Nominal Defendant Melinta Therapeutics, Inc. (“Melinta,” the surviving corporation of a merger between Melinta and Cempra, Inc. (“Cempra”)) (the “Debtor”), filed a voluntary petition in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.*, as amended (the “Bankruptcy Code”). The Debtor continues to operate their business and manage their properties as debtor and debtor-in-possession pursuant to Bankruptcy Code

sections 1107(a) and 1108. A copy of the voluntary petition is attached hereto as Exhibit “A”.

PLEASE TAKE FURTHER NOTICE that as a result of the bankruptcy filing, any further action against the Debtor is stayed under Bankruptcy Code section 362(a).

PLEASE TAKE FURTHER NOTICE that any action taken against the Debtor or their property without first obtaining relief from the automatic stay from the Bankruptcy Court may be subject to findings of contempt and the assessment by the Bankruptcy Court of penalties, fines, and/or sanctions, as may be appropriate.

Dated: December 27, 2019

Respectfully submitted,

**WYRICK ROBBINS
YATES & PONTON LLP**

By: /s/ Samuel A. Slater
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*Counsel for Nominal Defendant
Cempra, Inc.*

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this day a copy of the foregoing document was filed with the Court's CM/ECF system which will send notification of such filing to all counsel of record.

This the 27th day of December, 2019.

/s/ Samuel Slater
Samuel Slater